

D/F

06-cv 2158 (\*re)

UNITED STATE DISTRICT COURT  
For the Eastern District of NY

Sun-Ming Sheu  
Ming-Chien Hsu

Plaintiffs

Vs

State of New York

Justice of NY State Unified Court, Chief Administration judge  
Hon Jonathan Lippman in his official capacity

Justice of the Supreme Court of The State of NY, Queens Count  
Joseph G Golia  
individually and in his official capacity  
Defendants

*Plaintiffs' Rule 60(b) motion is denied as it raises no ground for reconsideration identified by the rule and CV-2158-ARR-LB is, in any event, the Court's Notice of Motion to Re-Consideration. The Court notes that plaintiffs have filed an appeal from the judgment complained of.*

*Ordered.  
USDJ  
8/18/06  
cc: parties*

PLEASE TAKE NOTICE that upon the annexed affirmation

Plaintiffs Sun-Ming Sheu, Ming-Chien Hsu Affirmed 8/14/2006

.Plaintiffs will move this court,

Hon. Allyne Ross USDJ in United State Courthouse, Brooklyn,

NY, 11210 on the 14<sup>th</sup> day of August 2006, for an order pursuant to

Rule of the Federal of Civil Procedure granting  
FRCP Rule 26(2)(1)

to get all documents that support Plaintiff's claims current under  
Defendant's control.

Date: 8/14/2006

Sun-Ming Sheu

Ming-Chien Hsu

Plaintiffs Pro Se

45-14 158 St

Flushing, NY 11358

*Severally the motion is fit*

UNITED STATE DISTRICT COURT  
For the Eastern District of NY

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Sun-Ming Sheu  
Ming-Chien Hsu

Plaintiffs

CV-2158-ARR-LB

Vs

Motion to

Re-Consideration

State of New York

Hon Allyen R.Ross

Justice of NY State Unified Court,Chief Administration judge  
Hon Jonathan Lippman in his official capacity

Justice of the Supreme Court of The State of NY,Queens Court  
Joseph G Golia  
**individually and in his official capacity**  
**Defendants**

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**Plaintiffs Sun-Ming Sheu ,Ming-Chien Hsu Affirmed in 8/14/2006**

**Judge's immunity is not Queen's Virgin**

1. While Clinton's Lewinsky scandal or Nixon's Watergate  
scandle first broke ,nobody belived it,but the scamdle was proved it based  
on fact and truth .So,even

President Clinton addressed the public in a White House press  
conference and issued a forceful denial:

"Now, I have to go back to work on my State of the Union speech.  
And I worked on it until pretty late last night. But I want to say one  
thing to the American people. I want you to listen to me. I'm going to  
say this again. I did not have sexual relations with that woman, Miss  
Lewinsky. I never told anybody to lie, not a single time; never. These  
allegations are false. And I need to go back to work for the American  
people."

2.. Justice Golia never denied about falsify court records,nor NY Attorney general office,but this court insist the Plaintiff's complaint vague and conclusory allegations do not strip Justice Golia of immunity." just like President Clinton said "Oral Sex is not Sex".

3. If this court subpoena the falsify court records that under Defendant's control,this court will find no more "vague or conclusory allegations . After providing a smoking gun based on DNA evidence on Lewinsky's coat that could prove the relationship despite Clinton's official denials. ,President Clinton forced to admitted that his relationship with Lewinsky which was "not appropriate.

4. Without subpoena and examine the evidence or hearing ,just insist Plaintiff's claim based on "vague and conclusory allegations" is not a "professional conduct".Also,bias,prejustice, falsify court documents is not judge's official capacity,nor including in judge's immunity, whatever in state or federal court at all. Furthermore, Plaintiffs also suing justice Golia his 'indiviudal,not only his official capacity.

**5.           If a judge act outside of his judicial capacity,he is not entitled to immunity at all.**

In the following cases, courts have found that the judges acted outside of their judicial capacity and were not entitled to immunity: *Forrester v. White*, 484 U.S. 219, 108 S.Ct. 538, 98 L.Ed.2d 555 (1988)(state court judge did not have absolute immunity from damages suit under S 1983 for his decision to demote and dismiss a probation officer); *Morrison v. Lipscomb*, 877 F.2d 463 (6th Cir.1989)(state court judge was not entitled to judicial immunity in connection with order declaring moratorium on issuance of writs of restitution from December 15 through January 2, as judge was acting in administrative and not judicial capacity); *King v. Love*, 766 F.2d 962, 968 (6th Cir.), cert. denied, 474 U.S. 971, 106 S.Ct. 351, 88 L.Ed.2d 320 (1985)(although setting bond on an arrest warrant is a judicial act, the act of deliberately misleading the police officer who was to execute the warrant about the identity of the person sought was nonjudicial); *Sevier v. Turner*, 742 F.2d 262 (6th Cir.1984)(juvenile court judge's initiation of criminal prosecution and civil contempt proceeding against father for child support in arrears constituted nonjudicial acts); *New Alaska Development Corporation v. Guetschow*, 869 F.2d 1298 (9th Cir.1988)(receiver appointed by state court to manage business assets of an estate was entitled to absolute derivative judicial immunity, but receiver was not absolutely immune from allegations that he stole assets or slandered parties, as such alleged acts were not judicial); *Harper v. Merckle*, 638 F.2d 848 (5th Cir.), cert. denied, 454 U.S. 816, 102 S.Ct. 93, 70 L.Ed.2d 85 (1981)(holding a contempt proceeding and ordering plaintiff incarcerated were not judicial acts where controversy that led to incarceration did not center around any matter pending before the judge, but around domestic problems of plaintiff former wife who worked at the courthouse); *Harris v. Harvey*, 605 F.2d 330 (7th Cir.1979), cert. denied, 445 U.S. 938, 100 S.Ct. 1331, 63 L.Ed.2d 772 (1980)(allegedly repeated communications to the press and city officials which were critical of police lieutenant, and the improper instigation of criminal proceedings against the lieutenant by judge as part of a racial campaign to discredit lieutenant were not judicial acts).

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## **A law school freshman's report**

6. Can this court listing any state or federal laws about the judge has immunity to commit bias ,prejustice of falsify court records ?

This court missing the main point on Plaintiff's complaint and lack basic logic concept,the memorandum looks like prepared by a law school freshman. Plaintiff's complaint mainly about "Personal bias and

Prejustice based on

US Code **TITLE 28 > PART I > CHAPTER 5 > § 144**

**TITLE 28 > PART I > CHAPTER 21 > § 455**

1) Where he has a personal bias or prejudice concerning a party, or personal

knowledge of disputed evidentiary facts concerning the proceeding

**THOMSON Legal Encyclopedia**

**Bias**

**A predisposition or a preconceived opinion that prevents a person from impartially evaluating facts that have been presented for determination; a prejudice.A judge who demonstrates bias in a hearing over which he or she presides has a mental attitude toward a party to the litigation that hinders the judge from supervising fairly the course of the trial, thereby depriving the party of the right to a fair trial. A judge may recuse himself or herself to avoid the appearance of bias.If, during the voir dire, a prospective juror indicates bias toward either party in a lawsuit, the juror can be successfully challenged for cause and denied a seat on the jury.**

## **Wikipedia**

A bias *is* a prejudice in a general or specific sense, usually in the sense for having a preference to one particular point of view or ideological perspective. However, one is generally only said to be *biased* if one's powers of judgment are influenced by the biases one holds, to the extent that one's views could not be taken as being neutral or objective, but instead as subjective. A bias could, for example, lead one to accept or deny the truth of a claim, not on the basis of the strength of the arguments in support of the claim themselves, but because of the extent of the claim's correspondence with one's own preconceived ideas. This is called confirmation bias

7. Plaintiff's lender is Chase Bank of Texas and the mortgage still open until today 8/14/2006, but Justice Golia insist "SMI Mortgage" had been paid off by the criminals that committed the mortgage fraud in 5/23/2000 phony closing.

8. According to state or federal laws, while a summary judgment application has material fact in dispute, the case should proceeding to trial only. No any judge has authority intentionally ignore the major material facts in dispute, knowingly act out side his authority.

9. Plaintiff's legal right is to have a trial, but Justice Golia intentionally abuse his official capacity, act outside his official capacity to foreclosure.

10. Plaintiff's have submitted evidence from NY City Register to prove in fact Plaintiff's lender is Chase Bank of Texas, not SMI Mortgage many many times, but Justice Golia insist "SMI Mortgage" (not Chase Bank of Texas) had been paid off by the criminals that committed the mortgage fraud in 5/23/2000.

11. Justice Golia's official capacity is proceeding to trial, not intentionally without hearing or trial, proceeding to foreclosure.  
Justice Golia has intentionally act out side his official capacity to abuse his authority. It's just like some kind intentionally torts to strip Plaintiff's right of trial. Justice Golia "intentionally" to do something he know he does'nt have the authority, based on his personal bias and prejudice. Justice Golia's decision is not a "error" or "mistake". and not under judicial immunity at all.

12. Plaintiffs had spent over 4 year to prove that phony closing had happened in 5/23/2000 since 2001. Justice Golia has very very special life experience and insist to foreclosure until Plaintiffs filed complaint to Chief Administration judge ,Inspector General of Bias again and again and until 4/2005,he he stop foreclosure,but foreclosure again because of he insist "SMI Mortgage had been paid off..

13. Based on his special life experience,for instance ,his wife using two diffenent names to hodling property in the same time or sale the property from one name to the other name,so Justice Goila never believe Wang,Jing Rong and Amy Cheng are the same person and Amy Cheng is a fake ideneity for committed mortgage fraud only.Until Wang,Jin-Rong arrested and sentenced by Queens criminal court ,Justice Golia was forced to realize that crime had happened,Amy Cheng is only a fake identity.

14. Again,Official NY City register record has submitted to Justice Golia many many times to prove Plaintiff's lender is Chase Bank of Texas(until today 8/14/2006),not SMI Mortgage ,but Justice Golia still intentionally to Commit bias and prejustice out side his official capacity again ..



**Emperor's new clothes.**

Bias or Prejustice or falsify court records is not judge's official capacity.

This court no any reason to wear a "Emperor's new clothes".

Thus,Plaintiffs Respectfully request this court to order Defendant to disclose the following documents :

- (1)Index 31307/2001 ,  
3/22/2005 documents,records,who entered,when enter,Notify Date.
- (2)Index 31307/2001  
3/23/2005 documents,records,who entered,when entered,Notify Date
- (3) Index Intdex 31307/2001  
5/2006 records,3/22/2005 order,who re-entered.when re-entered.  
All back office records ,database,original documents.

Respectfully Submitted,

SUN-MING SHEU

MING-CHIEN HSU

Pro-Se

8/14/2006

45-14 158 St

Flushing,NY 11358

*Sun-ming Sheu att-ny in fact.*

UNITED STATE DISTRICT COURT  
For the Eastern District of NY

Sun-Ming Sheu  
Ming-Chien Hsu

Plaintiffs

Default Judgment

Affirmation of Service  
06- CV-02158-ARR-LB

Vs  
State of New York

Justice of NY State Unified Court, Chief Administration judge  
Hon Jonathan Lippman in his official capacity

Justice of the Supreme Court of The State of NY,  
Queens County,  
Joseph G Golia  
**individually and in his official capacity**  
**Defendants**

I, Sun-Ming Sheu, declare under penalty of perjury that I have served a  
copy of the attached to Ms. Mbiabah L Gharthey

NY State office of Attorney General  
120 Broadway, 24 Floor  
NY, NY 10271

She represent all defendants, State of NY,  
Hon Jonathan Lippman,  
Hon Joseph Golia.

Date: 8/4/2006  
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